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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**MEYER, SUOZZI, ENGLISH & KLEIN,  
P.C.,**

Plaintiff,

v.

**MATHEW K. HIGBEE, Esq.,  
NICK YOUNGSON,  
RM MEDIA, LTD., &  
HIGBEE & ASSOCIATES,**

Defendants.

Case No. 2:18-cv-03353-ADS-ARL

**DEFENDANTS MATHEW K. HIGBEE,  
ESQ., AND HIGBEE & ASSOCIATES  
NOTICE OF MOTION AND MOTION TO  
DISMISS PURSUANT TO F.R.C.P. 12(b)(6);  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

PLEASE TAKE NOTICE THAT upon the accompanying memorandum of points and authorities and all pleadings and papers on file in this matter, Defendants Mathew K. Higbee and Higbee & Associates shall move before the Honorable Arthur D. Spatt, United States District Judge, at the United States District Court of the Eastern District of New York, located at 100 Federal Plaza, Central Islip, New York 11722, on a date and time to be determined by the Court, for an Order granting dismissal as to Defendants Mathew K. Higbee and Higbee & Associates,

pursuant to Federal Rule of Civil Procedure 12(b)(6) and that Defendants Mathew K. Higbee and Higbee & Associates be dismissed with prejudice.

Dated: June 29, 2018

Respectfully submitted,

**/s Rayminh L. Ngo**

Rayminh L. Ngo, Esq.

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*Attorney for Defendants Mathew K. Higbee &  
Higbee & Associates*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronically filing with the Clerk of the Court using CM/ECF on this **29th** day of **June, 2018**, on all counsel or parties of record on the service list below.

**/s/ Rayminh L. Ngo**  
Rayminh L. Ngo, Esq.

**SERVICE LIST**

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